

## MINUTES

### P & Z COMMISSION HEARING

December 20, 2007

#### ATTENDANCE P&Z Commissioners

##### ATTENDED

1. Wendell DeCross
2. Evelyn M. Meadows
3. Ruth Ann Smith
4. Jason Hatch
5. Rick Slone
6. Robert Ingels
7. Tom Thomas

##### ABSENT

John Dalton  
Carol Davis  
Joel Lawson

##### Staff Attendance

1. Telford Chapman, Planner II
2. Jim Matteson, Navajo County Engineer
3. Homero Vela, Deputy Director, Flood Control
4. Peggy Saunders, Public Works Secretary

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time 6: 01 p.m.

Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order, explained the meeting procedures to the public, and welcomed them to share their input and concerns with the Commission. Mr. DeCross then led the Pledge of Allegiance.

**Item #1 – SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by Lee Larsen for a Special Use Permit to allow the expansion of a self storage facility and trailer and boat display area on .66 acres of property known as APN 212-18-001A, located in Township 9 North, Range 22 East, Section 22 of the Gila and Salt River Meridian, in the Pinetop-Lakeside area. The stated reason for the request is to expand an existing mini storage facility to allow for self storage 10,300 sq. ft. and utilizing the southern area for outdoor storage of trailers and boats. The proposed use would be permitted with the approval of this Special Use Permit. The site plan submitted was displayed and the access points were identified. The Engineering Division recommends approval of the proposed Special Use Permit. ADOT does not require a Traffic Study nor will the County. The developer should provide all drainage infrastructures so as to not impact downstream properties. The property should be paved so as to not create a dust problem for the area.

The Flood Control Staff has reviewed the Special Use Permit for EZE Storage. The FEMA map, 2459D, show that this parcel is outside the 100 year floodplain. The proposed development should satisfy the Navajo County Floodplain Ordinance and the Navajo County Drainage Policy including the construction of detention basins as required by the County Engineer.

The Planning & Zoning Department has reviewed the request and also has received a petition with 14 names of people opposed to this development. Access comes in on the south side of the development and runs to the east. The storage units proposed were identified on the site plan. An existing home is proposed to be removed. Planning & Zoning staff recommends approval of this Special Use Permit, if you should so choose to approve this use permit the stipulations listed below would apply. Mr. Chapman displayed a vicinity map, site plan and a photo of the area.

**Lee Larson**, co-owner of EZE Storage, addressed the commission and stated that he has no problems with any of the stipulations, but would like to be able to cinder and put AB on top and utilize it for trailers. The

trailers they purchase are brought in from Texas, with 30 units to a trailer load. They assemble these trailers on site, and are out of room on the current site. Mr. Larson said he sold the County six feet to bring the easement on Mulholland Drive to 20 feet wide, but he will also give the county additional footage to help vehicles maneuver around the property corner. Mr. Larson stated that he is willing to comply with all county drainage requirements, address the access on Mulholland Drive, and place a 6' screened fence on the property as well as any other items stipulated by the county.

**In Favor:** No one came forward from the public in favor of the Special Use Permit.

**In Opposition:** **Terry Kohner**, who resides at 3557 Mulholland Drive was concerned with drainage problems, the unsightly view on the EZE Storage Property, and the possibility that a zone change to commercial could cause his property value to decrease. He understands that things take time, but they need some type of drainage system to get the water off the roadway. He feels strongly that the property zoning should remain R-3 and not changed to C-R Zoning.

**Doug Howard** of 3556 Sunset Lane also disagreed with Mr. Larson plans for the property. Putting up a six foot screened fence would not solve the problem; the fence would have to be at least eight feet high to block their view. Mr. Howard was concerned that Mulholland Drive was being used by EZE Storage for access instead of the access from the highway. The drainage problem has gone out of sight since they built the storage building, and everything is a mud bog. The contouring of the land has caused a lot of the drainage problems. Another problem neighbors would like resolved is the work being done late at night and into the early morning hours on the property. Until the problems Mr. Larson created are addressed, Mr. Howard felt the property should stay zoned R3.

**Janet Johnson** represented her brother, who has a residence at 3668 Mulholland Drive. Mrs. Johnson has the power of attorney to speak for her brother and was also asked to speak on behalf of Martha Thomas, an elderly woman who lives near the property. Mrs. Johnson displayed a picture board showing before and after pictures of the view from her brother's property. The pictures show water erosion problems, debris and discarded mattress & box springs, an unattractive view they now have from the back of the property. Her brother doesn't live on the property full time, but he is very upset that the water now backs up onto his property that has caused erosion damage so severe that he has to re-level his mobile home. Trash trucks cannot maneuver around the turn, and two cars cannot pass on the narrow drive. The workers are constantly moving trailers, and when it is not wet, the activity on the lot creates a lot of dust. This creates a hazard for people with respiratory problems like Martha Thomas. Mrs. Johnson agreed with her neighbors that a six foot screened fence would not eliminate the problem. He would have to install an eight foot block wall in order to cut down the noise and light issues, coming from the EZE Storage property. **Robert Johnson** agreed with his wife, Janet Johnson and the other residents on the drainage issues and also stressed that the Emergency access to the property on Mulholland Drive should be blocked.

**Applicant/Developer:** **David Schiesel**, co owner of EZE Storage addressed the comments from the opposition. In regards to the emergency access they have no intention of using Mulholland Drive to access the property. They are willing put up an eight foot screened fence instead of the six foot fence, but have problems with the block wall that was suggested because of erosion and drainage issues. They will insure that there are no late night work activities on the property, and agreed with co-owner Lee Larson to donate up to 20 feet to the County to widen the access. They plan to route the drainage along the alignment of the fence. They want to be good neighbors. The old house on the property was built in the 1950's and the foundation is rotting away. They plan to demolish that building, so the renter will no longer be on the property. Mr. Schiesel offered to answer any questions the commission or neighbors may have.

**Staff Comments:** **Jim Matteson** acknowledged that drainage is a significant issue. If the Special Use Permit is approved the property owner will be required to provide an Engineered Drainage Study, and as stated in the stipulations, "Drainage infrastructure shall be provided in accordance with County Drainage Policy".

**Commission Comments:** **Robert Ingels** agreed that drainage problems identified will necessitate major improvements, and in the long term, owners need to address those issues. **Rick Slone** said that this is an existing problem and wanted to know if the developer could dedicate the drainage down the fence line. **Mr. Matteson** agreed that would help, but we cannot ask them to solve all the existing drainage problems in the area, we can only ask them not to make the problem worse. **Mr. Slone** asked if putting a lock box outside the gate for Emergency Access Only would solve the traffic problem on Mulholland Drive, then only the Emergency Personnel or Fire Department officials would have a key to the lock box.

**Mr. Slone** addressed the neighbors, and said that a Mini Storage business is a pretty passive neighbor if the hours are controlled. They are usually quiet and unobtrusive to the neighborhood, and most of the important issues brought up are being addressed by the owner. **Tom Thomas** added that the drainage flows come off the ADOT easement; the water stops and has no place to get out. **Lee Larson** said, they are working with the county to donate additional land for the easement, but if they try to build a block wall the water will undercut the wall and erode the ditch. We don't have a problem with blocking the access if the fire department deems it necessary. As far as emergency access is concerned, they don't need access on that side, and as a member of the Lakeside Fire Board, he is certain they will not have a problem if the access is blocked. There is easy access to the self storage off the highway. **Ruth Ann Smith** had concerns about the declaration of deed restrictions in place on the property, and was reluctant to recommend that the Commission supersede the deed restrictions. It was pointed out that a number of the lots in that area are in violation of the deed restrictions. The definition of a mobile home vs. a trailer was discussed, and it was agreed that a mobile or manufactured home was not the same as a trailer. The Commission asked Staff to have Counsel look at the deed restrictions and advise the Commission. **Wendell DeCross** stated that a Home Owners Association can ignore rules that have been in place for years, but that doesn't mean they can't come back and enforce those rules. There is a great need for affordable housing for families in the area, and there are very few properties in the area zoned R-3 for multiple family housing. We need to give young families a place to live so they don't have to leave the area. **Tom Thomas** posed the question whether County Zoning supersedes HOA or deed restrictions, and **Staff** answered, yes, they do. **Robert Ingels** agreed with the need for housing, but felt the property size could limit the intensity of use for apartments or multiple housing. **Jason Hatch** asked the neighbors, if access was not permitted on Mulholland Drive and an eight foot fence was constructed, would that make a difference to their opposition. **Janet Johnson** said that it would have to be a block wall rather than screen fence. **Doug Howard** agreed with Ms. Johnson and added, as long as the drainage issues were addressed, he would be able to live with that. **Terry Kohner** said that the eight foot block wall would make it more palatable, but this isn't just a storage unit; they work on boats and put together trailers on the property. There is noise all hours of the night. **Lee Larson** was asked the hours of operation, and he answered, the Self Storage units are open 8:00 a.m. to 6:00 p.m. in the winter; 7:00 a.m. to 7:00 p.m. in the summer, with access on Sundays. The Boat area and Shop is open 8:00 a.m. to 5:00 p.m. in the summer and 9:00 a.m. to 5:00 p.m. in the winter, and is closed on Sunday. **Rick Slone** could not see any way a developer could put a multi family housing unit in that area, but questioned closing the emergency access. **Jason Hatch** made a motion in an effort to see both sides of the issue, to approve with the added stipulations discussed as; 1. That an 8' block fence be constructed; 2. The hours of operation stated be adhered to; 3. The drainage situation be addressed, and 4. The County Attorney provides clarification on the deed restrictions as well as all other stipulations stated by staff. **Robert Ingels** asked Mr. Hatch for his definition of a block fence, is it a block wall above the level of grade, versus a retaining wall? **Mr. Hatch** stated that his interpretation of a block fence is a solid block wall on a foundation.

**Rick Sloan** seconded the motion.

**Tom Thomas** made a motion to amend the original motion to include: 1. No access allowed from the property onto Mulholland Drive; 2. Block Fence / Block wall definition as an 8' cinder block wall above the level of grade; 3. add the request for the County Attorney's counsel on the deed restrictions; 4. That property owners donate up to 20feet of easement to the County to facilitate the turn at Mulholland Drive and to allow for addressing the drainage issues. **Jason Hatch** seconded the amendment to the motion.

**RECOMMENDED STIPULATIONS:** 1) *Security gating and/or on-site management must be provided.* 2) *Earth tone colors are to be used for the buildings.* 3) *Signs are to conform to the Navajo County Zoning Ordinance.* 4) *Signing must be posted indicating that the storage of dangerous or hazardous materials is prohibited.* 5) *Must meet approval of the Fire District with jurisdiction, regarding widths of roads, building setbacks and other issues before building permits will be issued.* 6) *Width between units to be a minimum of 25 feet.* 7) *The Special Use Permit shall run with the land.* 8) *Drainage infrastructure shall be provided in accordance with County Drainage Policy.* 9) *Dust-proof surfacing shall be provided in all areas.* 10) *This Special Use Permit approval is conditional upon the applicant utilizing all privileges granted within a 12-month period from the date of subject approval.* 11) *Screened fencing shall be provided.* 12) *All required Federal, State and Navajo County permits must be obtained and adhered to prior to construction of facility.* 13) *Trailers shall not be placed on site until full improvements have been made on site.* 14) *An 8' masonry block wall shall be erected on the east property line.* 15) *Hours of operation shall be within 7 am to 7pm.* 16) *County Attorney shall be consulted*

*if Special Use Permit request is legal considering the deed restrictions prohibiting a business from being operated on this parcel.17) No ingress/egress shall be allowed off Mulholland Drive. 18) Owner shall grant 20' at the southeast corner of the subject parcel to Navajo County to facilitate the turn at Mulholland Drive, and to allow for addressing the drainage issues.*

**Motion for the Amendment passed with a vote of 7 TO 0.**

**Motion for the Special Use Permit approved with the stipulations stated and amended, passed with a vote of 7 to 0.**

Approved by: **RESOLUTION NO. 07-37P**

**Item #2 – ZONE CHANGE TO R1-43 AND MASTER DEVELOPMENT SITE PLAN**

**APPLICATION:** Discussion and possible Commission action on a request by Pacific Holt Corporation, Agent John Gurrola for a Zone Change from A-General to R1-43 and Master Development Site Plan Application for the proposed Mesa Hills Estates, a planned single family development on the subject property known as APN: 109-33-040B; and portions of 109-33-040A, 109-01-005, 109-31-010C, 109-31-010E, in Township 17 and 18 North, Range 20 East, Sections 4, 33 and 34, in the Perkins Valley area.

The Engineering Division commented that the plan the Developer submitted provides sufficient information for us to recommend approval of the Zone Change and Conceptual Site Master Plan with the below listed stipulations. Any detention basin(s) need(s) to be established for this development and additional details for the drainage system will be required with the improvement plans. In addition, a Traffic Impact Analysis along with a Grading Plan will be required prior to Final Plat approval. Staff concurs with the below stipulations.

Flood control commented that a review of the FEMA floodplain maps has indicated that the proposed development includes a regulatory floodplain. All of the parcels are found in FEMA Map 1700B with a revision date of 4/20/2000 (LOMR) and map 1807 B with a 3-20-98 revision date. In addition to the FEMA maps indicating a regulatory floodplain, the maps also indicate various watercourses that serve as tributaries to Leroux Wash. Tributaries to Leroux Wash that flow across the property will require additional floodplain studies if the watershed exceeds 160 acres or 500cfs flow for offsite and onsite flows. The floodplain studies shall address floodplain delineation, base flood elevations, and floodway delineation. Additional stipulations shall also require determination of base flood elevations for all parcels in the floodplain. The floodway shall be delineated in all floodplains. The floodway delineation may require changes to the number and size of the parcels in the floodway. Each parcel located partially in the floodway shall have sufficient square footage outside the floodway to allow construction to take place completely outside the floodway. No parcels that are destined for home construction should be entirely in the floodway. Floodplain studies that change the FEMA regulatory floodplain will require that the developer issue a CLOMR and LOMR to FEMA to implement the map change. The Grading Plan for development shall not be approved until a final Drainage Plans/Floodplain Study is submitted and approved. The Army Corps shall be consulted by the developer to determine jurisdictional and other Corps requirements.

Planning and Zoning staff recommends approval of the proposed Zone Change to R1-43 and Master Development Site Plan with the stipulations below. The fire district has expressed their ability to offer fire protection.

**Applicant/Developer Mr. John Gurrola, of 5874 Night Shade Lane in Prescott, Arizona** addressed the Commission and said that this is a good project for the area, the City of Holbrook, and Navajo County. They have been doing some work out in the area, and have flown and shot aerial photos, and by cooper aerial have their engineer from Lyon Engineering here tonight for questions on design. The one acre parcels would be nice for people who want to have horses. They have been working with the property owners in the area, who are also here tonight, and feels that it is something good and necessary to the area, and is hoping for approval tonight from the commission.

**In Favor: Jerrie Paschal** and her sons are the former owners of the property and also neighbors to the development. Ms. Paschal is a realtor in Holbrook, and is excited about the design concept that Pacific Holt has for the property. There is a great need for housing in the area, and the design would blend in with the beautiful bluffs and landscape out there. She and her family are in favor of the project. **Akos Kovach** agreed that this is an excellent project, and said his message is simple; Holbrook needs homes for teachers, attorneys, retirees, and employees and business components coming into the Holbrook area. The I-40 exit is a well designed interchange with great transfer points for traffic coming from the east and west. It is also adjacent to city property, and hopefully at some point will be annexed by the City of Holbrook. The good

news is; we need homes. Pacific Holt is willing to build these homes. Mr. Kovach encouraged the Commission to approve this request. **Jerald Scorse** added his support, both professionally as a banker, and personally for approval of this project. **Mr. Scorse** grew up in, and graduated from Holbrook High School, and has a vested interest in the area. He firmly believes, "if you build, they will come." Most graduates left Holbrook because there was no way to make a living in the area. As new employers come to the area and try to entice quality people to Holbrook, the first thing they do is show them around town. Since the housing is so limited, they either don't take the job or are forced to relocate to other areas like Snowflake, Taylor or Show Low. If you have good housing, you'll entice the kind of professional people we need in this area, as well as future employers. **Randy Murph** lives about 2000 feet from the north corner of the project, and will not gain one cent from the development, he has no neighbors at this time, but is still not opposed to the project because it would be good for the community, and will add much needed housing to the area. Mr. Murph is also Chairman of the Holbrook Investment and Development Committee. All their members are pro-development, if it is good development; and added their support for this development. **Richard Whittington** has no ties with Pacific Holt, but he has been developing projects in the area. Federal Express has an operation out of Holbrook but two thirds of their employees moved to Snowflake because there was no housing in Holbrook. There is a great need for this, and agreed that the more you build, the more businesses will come here and offer jobs to our youth, so they can stay here.

**In Opposition:** No one from the public came forward in opposition.

Staff Final Comments: **Telford Chapman** stated that Pacific Holt has put forward a good plan, and the Planning & Zoning Staff whole heartedly recommends approval of the Zone Change to R1-43 and Approval of the Master Site Plan with stipulations as stated on the associated Resolution.

Commission Comments: **Robert Ingels** commented that it is nice to have a developer who has made the investment, has the support of the community; the enthusiasm shown for the projects in the Perkins Valley area makes the Commissions job easier. **Telford Chapman** reminded the Commission that they are asking for two separate items.

**Robert Ingels** made a motion to include the recommendation for the Zone Change and Master Site Plan presented to the Commission with the stated parcel numbers subject to the stipulations recommended by Staff. **RECOMMENDED STIPULATIONS:** 1) *All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans).* 2) *The developer shall provide a Floodplain Study that addresses: a) Identifies the floodplain, base flood elevations, and floodway. All Tentative Plats and Final Plats associated with this Special Development Plan shall identify the Finished Floor Elevation for those parcels in the floodplain. b) Tributaries to Leroux Wash that flow across the property will require additional floodplain studies if the watershed exceeds 160 acres or 500cfs flow for offsite and onsite flows. c) Each parcel located partially in the floodway shall have sufficient square footage outside the floodway to allow construction to take place completely outside the floodway. No parcels that are destined for home construction should be entirely in the floodway. d) Floodplain studies that change the FEMA regulatory floodplain will require that the developer issue a CLOMR and LOMR to FEMA to implement the map change. e) The Army Corp will be consulted, by the developer, whenever the jurisdiction of Waters of the United States is in question.* 3) *Approval of the Special Development Master Site Plan is conditioned upon the submittal of the Tentative Plat to the Planning & Zoning Commission, along with proof of compliance with above stipulations, within 24 months of the date of this resolution.*

**Ruth Ann Smith** seconded the motion. Motion for both the Zone Change and Master Site Plan were Approved with a vote of 7 to 0. This Item will be referred to Navajo County Board of Supervisors for their approval.

**Zone Change Approved by Resolution: 07-44P**

**Master Site Plan Approved by Resolution: 07-45P**

**Wendell DeCross** requested a ten minute Recess at 7:29 p.m.

Meeting Resumed at 7:39 p.m.

**Wendell DeCross** acknowledged former Supervisor Lewis Tenney, and former Commissioner Frank Damato in the audience.

**Item #3 – SPECIAL USE PERMIT:** Discussion and possible Commission action on a request by New Directions Media, Inc. for a Special Use Permit to allow the construction of an approximately 496' FM radio tower-transmitter on property known as APN 206-31-001C, located in Township 12 North, Range 18 East, Section 2 of the Gila and Salt River Meridian, in the Heber area. **Telford Chapman** recalled in a former meeting they recommended denying the location because it was in a residential neighborhood. Since then Mr. Zellmer has found a more appropriate location for the tower. The new location was shown on an aerial map approximately a mile east of where SR377 meets with SR277. A Special Use Permit would allow construction of the tower. The tower would be located away from vehicle traffic. The Forest Service is okay with the site as long as the facilities are not on Forest Service Land. A diagram of the tower was shown with a map of the coverage area for radio transmissions. Site plan showed that all guy wires would be located within the site. The sawmill owner has agreed to allow the use on his property. This request is for a radio tower, which is allowable use in the area, with a Special Use Permit. The area is zoned for Heavy Industrial Uses.

The Engineering Division recommends approval of the proposed Special Use Permit provided all FCC and FAA conditions are satisfied and approved by the corresponding agency. In addition, all structural requirements are designed, sealed and signed by a certified Civil or Structural Engineer. All county drainage and grading requirements must be approved prior to approval of the Final Plat.

Flood Control commented that the western edge of parcel 206-31-001C includes the floodplain associated with Decker Wash, FEMA map 2175D. However the site plan submitted places the location of the tower outside the floodplain. Flood Control approves the Special Use Permit contingent on the tower location remaining as shown on the site plan submitted to Planning and Zoning in November of 2007. The Guy Wires and facilities are located out of the flood plain. The Planning & Zoning Department recommends approval of the Special Use Permit. The location proposed for the 496' high tower is in a less obtrusive area that is already zoned industrial. There are very few residences in the area.

Applicant/Developer: **Bob Zellmer** commented that Staff has done such a good job of presenting the facts, that he doesn't have any more to add. There were only two significant changes to the project, the first was the location, which is now on the Lon Porter Sawmill site on SR 277. The other change was to increase tower height to just less than 500 feet to get the coverage for the area they are concerned with. Mr. Zellmer will be available for questions or comments.

In Favor: **Lewis Tenney** said that (from a distance) he has watched the process move forward and watched the problems Mr. Zellmer was having with the other location, and suggested that Mr. Zellmer contact Lon Porter. Mr. Tenney knows the area well and has lived in the area for over 45 years, and the sawmill site was the only area he knew of, where you shouldn't get any complaints on the location of a tower. It is a positive thing for the area, and encouraged the commission to support the location and approve the Special Use Permit.

In Opposition: No one from the public came forward in opposition.

There were no further comments from the Staff.

Commission Comments: **Robert Ingels** appreciated the efforts made by Mr. Zellmer and the response from staff in getting this matter resolved. Even though it started as a controversial project because of the location, it now seems to be focused in the proper location. **Robert Ingels** made a motion to approve the Special Use Permit with the stipulations stated by Staff.

**RECOMMENDED STIPULATIONS:** 1) *Earth tone colors are to be used for the radio transmitter building.* 2) *Signs are to conform to the Navajo County Zoning Ordinance.* 3) *Must meet approval of the Fire District with jurisdiction, regarding widths of roads and other issues before building permits will be issued.* 4) *All FCC and FAA requirements shall be adhered to.* 5) *The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan.* 6) *Correct fall zone distance determined by engineers shall be provided.* 7) *Any expansion of the Special Use shall require an amendment to the Permit.* 8) *The Special Use Permit shall run with the land.* 9) *This Special Use Permit approval is conditional upon the applicant adhering to privileges and stipulations granted within a 12-month period from the date of subject approval.* 10) *All required Navajo County permits must be obtained and adhered to prior to construction of facility.* 11) *In the event the tower becomes obsolete or is out of use for a period more than 180 consecutive days, or this use permit is not renewed, or if the lease is not continued, then the project owner/operator shall decommission the project by the removing of improvements, and restoring the lands to a final condition consistent with the character of the surrounding area.*

**Jason Hatch** seconded the motion. **Wendell DeCross** remarked that he too was opposed to other location, but he has visited the current site, and it appears to be in a location that will not be intrusive to anyone around there and didn't see any residences in the area, but a 500 foot tower is about equal to a 50 story building.

**Wendell DeCross** called for a vote, and the motion was approved 7 to 0.

**Approved by Resolution: 07-40P**

**Item #4 – SPECIAL DEVELOPMENT ZONE CHANGE AND MASTER DEVELOPMENT SITE**

**PLAN APPLICATION:** Discussion and possible Commission action on a request by LZ Angel Solar Airpark, LLC, for a zone change from A-General to Special Development and Master Development Site Plan Application for the proposed LZ Angel Solar Airpark, a planned single family development with related Special Development approved commercial uses on the subject property known as APN: 108-13-003B; 108-13-009B, 009C, 009D, 009E, 009F, 009G, in Township 17 North, Range 16 East Section 35 in the Winslow area. **Telford Chapman** explained that the area is approximately 15 miles south of Winslow. The proposed development will contain approximately 191 single-family residential units with the average lot size of 1 acre. The commercial area will be approximately 49 acres.

The Engineering Division commented that the plan the Developer submitted provides sufficient information for us to review the Zone Change and Conceptual Site Master Plan and recommend the below listed stipulations. Any detention basin(s) need(s) to be established for this development and additional details for the drainage system are to be documented in a Drainage Report, and will be detailed with the improvement plans. In addition, a Traffic Impact Analysis together with a Grading Plan will be required prior to Final Plat approval. Two points of access to the subdivision must be provided, and adequacy of adjacent roadways must be provided. This may take the form of a requirement to pave the roads out to Route 99. Airport Runway design shall meet FAA Advisory Circular 150/5300 – 13 requirements. Staff concurs with the below stipulations.

Flood Control commented that a preliminary review of the FEMA maps, 1775B, has indicated that these parcels, 108-13 003B and 108-13-009B thru 009G are outside the regulatory floodplain. The Flood Control Staff has no objections to the Special Development Zone Change and Master Development Site Plan. Planning and Zoning commented that the concept being proposed by the applicant is in keeping with the goal of Navajo County to encourage Special Developments as a method to have some control over the type of growth in the County. The Conceptual Master Development Plan submitted to the P&Z Commission is not intended to be used for the platting process but is an overall site plan. The Public Works Department will address concerns regarding drainage, roads, etc. during the platting process. There are 49 acres in the commercial development and a site plan was displayed with the proposed runway shown in a north south direction. The associated development is adjacent to the runway just north of the airstrip. Public Works has concerns about the provisions for electricity, water, fire protection, and access road issues and if the Commission recommends approval, Staff would recommend that the stipulations be adhered to on this development.

Applicant/Developer: **Richard Whittington**, spoke on behalf of Carl Buttler, and said that they have what they feel, is going to be one of the most unique communities ever built in Navajo County. He has heard a couple of concerns, one of which is open areas. There will be a minimum of three open areas that will be developed into parks. Lot number one will be one of them. They are currently doing the drainage study which should be complete by early January. They are currently doing the 100 year water supply study. The Buttlers have brought us a unique project. One of the things he wanted to talk about is the utilities. There will be one utility on the property and that will be a well. That well will supply all water to the community, and fire lines. The well will be powered by solar energy and backed up by a propane generator. Currently there is a sixteen inch commercial well on the property located about 245 feet from the north end of the runway. Mr. Whittington addressed the concerns regarding the roads and cattle easement; they will work with owner to resolve any issues, and will work with the County Engineer and Public Works Department on the upgrade of the road coming into the development. That will come in on the Tentative Plat Plan. Most subdivisions require paved roads. Because this is such a remote area and an airport, there may be other things they can do. Whatever the County wants them to do, they will do. The area on the map called Visitor Area is about 13 acres and is designated only for visitor parking there will be commercial businesses in the area to support the air park. Such as a restaurant, a Clubhouse, a small fueling station, (which before being constructed would be approved by ADEQ), and other shops. There will be no type of adult businesses in the area. On a four bedroom home with solar, after you get your tax

credit back, it will cost you about \$12,000, and you own your own electricity. **Carl Butler** said he is trying to create a new neighborhood. He wants to build a Solar Air Park that is all “green.” He would like to include a hardware store, a dry grocery store, so people in the neighborhood will be able to find work. He plans to have a fuel station with a card reader to tell you how many gallons of gas you get, and you charge it. He and his wife have a 10,000 square foot barn on their property and are getting ready to build a 4,000 square foot home on their forty acre parcel.

In Favor: An unidentified speaker was gratified to see a development go in, especially to improve roadways. He was concerned about multiplicity and the size of aircraft that will be flying in, and the flight paths, and hoped the developer would expound on those issues. **John May** lives two miles south of the proposed development, and has seen his share of hardships over the years. This will bring in good neighbors you can count on, especially since the area is desolate. His property is completely green; 99% solar with a back up generator. They have three kids who graduated from Winslow, but moved out, because there was no work in the area. This will bring in jobs that will benefit the County and Winslow. There are pros and cons to the project, but it will improve the area. They have fought the roads, and have been stuck in mud, so this would greatly improve the roads. **Molly McCaully** and her family have lived in in the area for three generations and have raised horses and cattle out there. Ms. McCaully is in favor of the development, and felt it would be good to have neighbors. She did question one item and wanted to know who changed the name from Thunder Road? She named that road long before it was a subdivision. There was also Lightning Road and doesn’t want the names to be changed. (The road name was changed to Stetson Road.)

In Opposition: **Frank Marriot** is a part time resident, and complained that they put up big tin building that the wind has already torn up; and they plan to put in 190 solar powered houses? There are places that are abandoned out there, are they going to provide security? Mr. Marriot would like to see the item tabled until they can get more information. **Robert Carr** has reservations about the project. They feel there are questions that have not been adequately addressed. Developers made no attempt to contact neighbors to his knowledge. The addresses are public record, and there was no indication that a project was imminent until they saw the posting signs. This could be a good thing as long as it is not imposed on unknowing neighbors. Questions they want answered, such as waste disposal plans, power, airport ingress and egress. Water is scarce in that area, are they planning a Golf course? It seems that every new development has to have a golf course, which would be a tremendous waste of water. Will they improve roads to neighboring properties? Will there be any road restrictions, insurance and liability for other property owners? They are not adamantly opposed to the project, they just want questions answered. **Lonnie Lillie** was never informed of the development. He said he came with a lot of questions, some of which have been answered; he is just disappointed they were not contacted. **Mary Carr** had two concerns; what type of family or person will be attracted to this area, will there be families with nice homes on one acre parcels? The second concern was the horrendous winds. A small craft could crash on take off or landing. She was glad to hear they are checking into the water problem in this area, because they were afraid they might get tapped out of water. **Arlan Smith**, who owns Plot 13 Chevelon Canyon, expressed his disappointment for not being properly informed by the developer of all the changes that will affect the area. All the neighbors wanted to know what changes will be made and how certain issues will be addressed by the developer. Will they use solar and wind power with a diesel generator to maintain a household? He was curious if the houses will be individually contained or go with a company like APS or SRP? He agreed with Ms. McCaully on the road name change, and wondered why they were not informed. **Telford Chapman** clarified the noticing procedures to the homeowners, and said that it was properly noticed in the newspaper and posted at the site and intersection of Route 99 and Stetson (Thunder). Owners within 300 feet of the development must be notified, to meet certain legal requirements. You may not have received a notice, because you live outside that 300 foot area. **Richard Whittington** commended the opposition for their questions, and displayed pictures showing examples of the type of aircraft that would be using the airpark and five artist renditions of the types of straw built homes they are recommending. There are CC&R’s that have not been approved, such as house colors etc., the interior roads will be maintained by the HOA not tax dollars. The road from Route 99 to the development, the County would maintain once it is brought up to County Standards. There is a commercial well that is being tested, and many regulations they have to abide by, with no short cuts. The runway location has to be approved by the FAA and will accommodate small aircraft. There will be no commercial aircraft. Each lot will have one home and one aircraft hanger, as to who will to live there; these are people that own aircraft. It is a stop for cross country air travel to park and go skiing or just stay in the area. Roads will be maintained. The 100 year water supply study is being done



at this time. They are currently negotiating with Waste Disposal, and if you live close enough, the service will be offered to you. All these issues will be addressed. **Wendell DeCross** suggested the developer have a meeting with residents of the area. **Mr. Whittington** agreed, and asked for neighbors to provide names and addresses.

Commissioner Comments: **Robert Ingels** added that the artistic renditions look impressive and agreed that the developer should have a neighborhood meeting to discuss the concerns, before the commission's recommendation goes to the Board of Supervisors. There are a lot of stipulations right now more interaction that is different with folks living out there. **Rick Slone** pointed out that there are a lot more phases to go through on this project. This is just the concept and master site plan. There will be lots of opportunity to get with the developer, to approve or deny each step. Conceptually it is a great plan and all the concerns will be addressed along the way. Richard Whittington agreed to the meeting, but would like to get approval at this meeting to begin work on the project. A motion was made by **Tom Thomas** to approve the Special Development Zone Change and Master Development Site Plan, for LZ Angels Solar Air Park, LLC. **Evelyn Meadows** seconded the motion. **Robert Ingels** made a motion for an amendment to have the Developer meet with property owners prior to sending this item to the Board of Supervisors. **Tom Thomas** seconded amendment.

**The Motion and Amendment passed with a vote of 7 to 0**

**Master Development Site Plan Approved by Resolution 07-47P**

**Zone Change Approved by Resolution 07-46P**

**Item #5 – TENTATIVE PLAT:** Discussion and possible Commission action on a request by Northwood Pines, LLC, agent William Prescott, for a Tentative Plat for the proposed Northwood Pines Subdivision on the subject 328 acre property known as APN: 207-12-069, 070, 071, 072, 073, 074, 075, 077, 078, in Township 12 North, Range 16 East, Section 13, in the Heber area.

The Engineering Division commented that the plan the Developer submitted provides sufficient information for us to accept the Tentative Plat with the below listed stipulations. A Final Drainage Report showing detention basin(s) need(s) to be established for this development and additional details for the drainage system will be required with the improvement plans. In addition, a Final Traffic Impact Analysis and a Grading Plan will be required prior to Final Plat approval. There are design challenges with the low water crossing for the secondary access, and the encasement design of the sanitary sewers. These will all be resolved in the final construction document reviews. Staff concurs with the below stipulations.

Flood Control commented that a preliminary review of the floodplain has indicated that a small portion of the development is in the floodplain created by Black Canyon wash. The various parcels associated with this development are located on FEMA maps 2161C and 2153B. The use of the J.E Fuller Black Canyon Wash Floodplain Study, Aug 2007, should be used, as appropriate, in delineating the floodway and floodplain. Areas outside the scope of the J. E. Fuller Study should continue to use the FEMA maps. Sheet 7 of the Tentative Plat shows a secondary access as an "at-grade" low water crossing. The Engineering Staff and the Flood Control Staff are recommending that this low water crossing should include provisions for nuisance flows since Black Canyon Wash is subject to snowmelt runoffs for extended periods of time. The design should allow for nuisance flow under the road top without creating a rise in the base flood elevation in the floodway. The Final Plat will include a delineation of the floodplain and floodway, as appropriate, and any parcel partially or wholly in the floodplain will have the base flood elevation annotated in the Final Plat. The Army Corp will be consulted, by the developer, whenever the jurisdictional of Waters of the United States are in question. Documentation shall be provided with the Final Plat indicating notification of the jurisdiction. The Flood Control Staff has no objections to the Tentative Plat given these stipulations.

Planning and Zoning commented that the Developer has submitted proper paper work for the Tentative Plat for this development. The proposed use is addressed in the recently approved Master Plan. The submittal meets all our requirements for a Tentative Plat. Planning & Zoning staff recommends conditional approval of the Tentative Plat with the conditions as listed below. **Telford Chapman** presented maps and site plans of the subject parcel. The site is just off SR 260 in the Heber area west of Black Canyon Wash. This was previously platted as White Cliffs Subdivision. They are asking for a variance from the typical curb and gutter requirements so that no curb and gutter will be provided for this development. The Tentative Plat will be phased out at the Final Plat stage. There are six stages they will go through; the Tentative Plat is based on the entire subdivision. They are asking for approval of the Tentative Plat. They are establishing a sewer district within the area and will be tied in to the sewer treatment plant being developed. Staff

recommends approval with the stipulations listed.

Owner/Applicant **John Prescott**, William Prescott's brother was in attendance on his behalf along with Andy Romance. As an update they have completed the installation of a well on the property, and will be members of the Heber Water District. At build out they will double the number of taps to about 800, with additional storage in excess of 250,000 gallons, the well has good water flow of about 300 gallons per minute. They just completed testing, but haven't got the final results back yet. As noted earlier they are participating in the new Mogollon Domestic Waste Water Improvement District and have contributed \$300,000 dollars to construction and infrastructure.

In Favor: **Frank Gamado** is in favor of the project which basically puts Heber on the map. Mr. Gamado is part of the Domestic Waste Water Improvement District and has been working with Northwood Pines to make the system work. They are great partners, and he looks forward to seeing this project happen. It is critical to the growth in the area. **Lewis Tenney** agreed with Mr. Gamado's statements.

In Opposition: No one from the public came forward in opposition to this project.

Staff Final Comments: We like to see this type of development in the County that is very well planned. They are providing infrastructure within the development, and they have been responsive to staff requests and easy to work with. **Wendell DeCross** commented that it really is a "gated community," he couldn't get in to do a visual review of the project. **Robert Ingels** asked about expectations they have for traffic concerns. **Jim Matteson** answered that a preliminary draft from traffic impact study has been prepared and sent to ADOT. This may include deceleration lanes, so there will be improvements made. They are comfortable with the preliminary impact study and the Final Plat will flesh out the details on the project. This will not be a small project. **Tom Thomas** questioned why the Variance requested no curb and gutter, but on the plan it shows a ribbon curb is that in lieu of the curb and gutter? **Jim Matteson** answered, yes **Wendell DeCross** questioned whether we should waive the curb and gutter, and felt that the question should be addressed. **Jim Matteson** said that we did address that question when we went through the subdivision regulations. That issue was covered in depth, and the requirement is no longer there. If the project had come forward in January 2008, that requirement would not have been listed. The reason the County does not like curb it makes it more difficult to plow snow. The County staff is not set up to maintain concrete curbs or repair damage caused by snow plows. They prefer a good asphalt surface with a decent shoulder, but no curb or gutter. With the new regulations, you will not see that variance requested any more.

A Motion was made by **Ruth Ann Smith** recommended approval of the Tentative Plat, and to include stipulations as stated by staff.

**RECOMMENDED STIPULATIONS:** 1) The Engineering staff shall approve the Final Traffic Impact Analysis and Final Drainage Report and all recommendations implemented prior to scheduling the Final Plat before the Board of Supervisors. 2) All required offsite improvements identified in the TIA and Master Drainage Plan shall be constructed or financially assured prior to scheduling the Final Plat before the Board of Supervisors. 3) All engineering design concerns shall be satisfactorily answered prior to scheduling the final plat, the CC&R's, the financial assurances and the improvement plans before the Board of Supervisors. 4) All stipulations of approval of the Master Site Plan are to be adhered to prior to scheduling the Final Plat before the Board of Supervisors. 5) The Final Plat shall delineate the floodplain, floodway and show BFE for parcels in the floodplain using 1988 datum. The low water crossing will meet the approval of the Public Works staff. The Army Corps will be consulted and documentation provided showing that all Clean Water Act requirements have been met. 6) All technical requirements of the Subdivision Regulations shall be met before approval of the Tentative Plat. Variances shall be requested in accordance with Section 4.12 and justified. The Tentative Plat approval is conditional upon applying for a Final Plat approval within a 24-month period from the date of the Tentative Plat approval. If the Final Plat submittal is not in place within this time period and if an extension of time is not requested from the Planning & Zoning Commission, the Tentative Plat will expire and become invalid.

**Robert Ingels** seconded the Motion. The motion passed with a vote of 7 to 0.

**Approved by Resolution: 07-48P**

**Item #6 -** Possible approval of November 15, 2007 Minutes. Motion to approve the minutes was made by **Jason Hatch** and seconded by **Robert Ingels**. Motion carried 7 to 0.

**Item #7 – Commissioner's Comments and directions to staff.** Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct

Development Services Department staff to study or provide additional information on topics of the Commissions choosing. **Robert Ingels** was a recent attendee to the Boards & Commissions Conference, and came away with new insight. Planning and Zoning evolved in the 1920's, as communities went from agriculture based to residential, business, and industrial type uses. It is Planning and Zoning's philosophy to protect our neighbor's property, or mitigate when new or special uses come into the area. It is reassuring to know that our job as commissioners is of value to the community. Mr. Ingels complimented the staff for the superb job they are doing. **Wendell DeCross** encouraged commissioners to attend the next conference; because we learn something new every time we go. They cover a lot of ground in one day. **Evelyn Meadows** agreed there were good speakers, and presentations, and enjoyed the classes presented, but wished that they had the option to attend more than one class in the morning and afternoon sessions. Mr. DeCross asked the commissioners who attended the afternoon session if they had a copy of the handout to share at the next meeting. **Evelyn Meadows** was asked and agreed to bring her copy of the handout.

With there being no further business to come before the Planning and Zoning Commission, a motion was made to adjourn the meeting by **Robert Ingels**, **Tom Thomas** seconded the motion. Motion unanimously passed.

The meeting was adjourned at 8:09 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Chairman, Navajo County Planning & Zoning Commission

ATTEST:

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Secretary, Navajo County Planning & Zoning Department